

FILED

June 4 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 09-0638

FILED
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

JUN 4 2010

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOHN RICHARDS

Defendant and Appellant.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ANSWER TO PLAINTIFFS
MOTION TO DISMISS

I received the District Courts order on November 20, 2009, see November 19, 2009 order affirming appeal.

My notice of appeal was filed November 30, 2010. My notice of appeal was filed within 10 days of receipt of the District Court affirming my appeal. See Exhibits A thru D attached.

I think you can see the State is clearly wrong as I appealed this timely within 10 days of receipt of the District Court order of November 19, 2009 which I received on November 20, 2009. The plaintiff's Exhibit 3 was never received by me. The only thing I received from the District Court was November 19, 2009 order affirming my appeal which shows as filed November 19, 2009 at 10:30am. If I had received the July 29, 2009 letter, it would have been date stamped with the received date on the envelope. IT WAS NEVER RECEIVED, see affidavit.

The States motion must be denied.



John Richards

6/3/10

Certificate of Service has been sent this 3rd day of June, 2010 to:

Steve Bullock
Montana Attorney General
Attn: Mark Mattioli, Appellate Services Bureau Chief
PO Box 201401
Helena, MT 59620-1401

Affidavit

State of Montana
County of Missoula

Before me, the undersigned Notary, Patricia A. Heald on this 3rd day of June, 2010
personally appeared John Richards, known to me to be a credible person and of lawful age,
who being by me first duly sworn, on his oath, deposes and says:

"I didn't receive the letter from John Conner, dated July 29, 2009. The first time I saw it
was as Exhibit #3 in the States Motion to Dismiss."

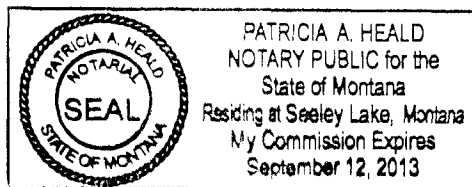
John Richards
Signature of affiant
John Richards
John Richards
PO Box 870
Seeley Lake, MT 59868

FILED
JUN 04 2010
J.L. SMITH
CLERK OF THE DISTRICT COURT
STATE OF MONTANA

Subscribed and sworn to before me, Patricia A. Heald, this 3 day of
June, 2010.

Patricia A. Heald
Signature of Notary

PATRICIA A. HEALD
Printed Name



NOTARY PUBLIC

My commission expires: 9-12, 2013.